

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Track Three Cases

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**DEFENDANTS HBC SERVICE COMPANY
AND GIANT EAGLE, INC.'S MOTION FOR LEAVE TO FILE
UNDER SEAL THEIR MOTION FOR SUMMARY JUDGMENT**

Defendants HBC Service Company and Giant Eagle, Inc. (together, “Giant Eagle”) respectfully move this Court for leave to file under seal an unredacted version of their Brief in Support of Motion for Summary Judgment and its accompanying exhibits. Defendants’ Brief and Exhibits 32, 33, 34, 35, 36 and 38 cite and discuss data compiled by the Ohio Board of Pharmacy through the Ohio Automated Rx Reporting System (OARRS), which the Board asserts is Confidential under Ohio Revised Code 4729.80. Additionally, Exhibit 11 contains two pages containing patient information, which is marked Confidential under the Court’s protective order.

Accordingly, Defendants request that the Court grant permission for Defendants to file unredacted versions of their Brief in Support of Motion for Summary Judgment and Exhibits 11, 32, 33, 34, 35, 36 and 38 under seal.

Dated: August 17, 2021

Respectfully submitted,

/s/ Robert M. Barnes

Robert M. Barnes

rbarnes@marcus-shapira.com

Scott D. Livingston

livingston@marcus-shapira.com

Joshua A. Kobrin

kobrin@marcus-shapira.com

Daniel J. Stuart

stuart@marcus-shapira.com

MARCUS & SHAPIRA LLP
35th Floor, One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 471-3490
Facsimile: (412) 391-8758

*Counsel for Defendants HBC Service Company
and Giant Eagle, Inc.*

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on August 17, 2021.

Judge Dan A. Polster
Dan_Polster@ohnd.uscourts.gov

Special Master David R. Cohen
david@specialmaster.law

Counsel for Plaintiffs
mdl2804discovery@motleyrice.com

Counsel for CT3 Defendants
ext-track3defendants@groups.jonesday.com

/s/ Robert M. Barnes
Robert M. Barnes